

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re MAXWELL RYAN AMES,

Case No. [22-cv-02414-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

This suit was reassigned from a magistrate judge to the undersigned in light of a Ninth Circuit decision.¹ Plaintiff filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. On June 17, 2022 and July 1, 2022, mail directed to plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable and given the following notations: “RETURN TO SENDER. NOT DELIVERABLE AS ADDRESSED. UNABLE TO FORWARD. NOT IN CUSTODY.” To date, plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b).

More than sixty days have passed since the mail directed to plaintiff by the Court was returned as undeliverable. The Court has not received a notice from plaintiff of a new address.

¹ *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before magistrate judge).

Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: September 23, 2022


JUDGE YVONNE GONZALEZ ROGERS
United States District Judge

United States District Court
Northern District of California